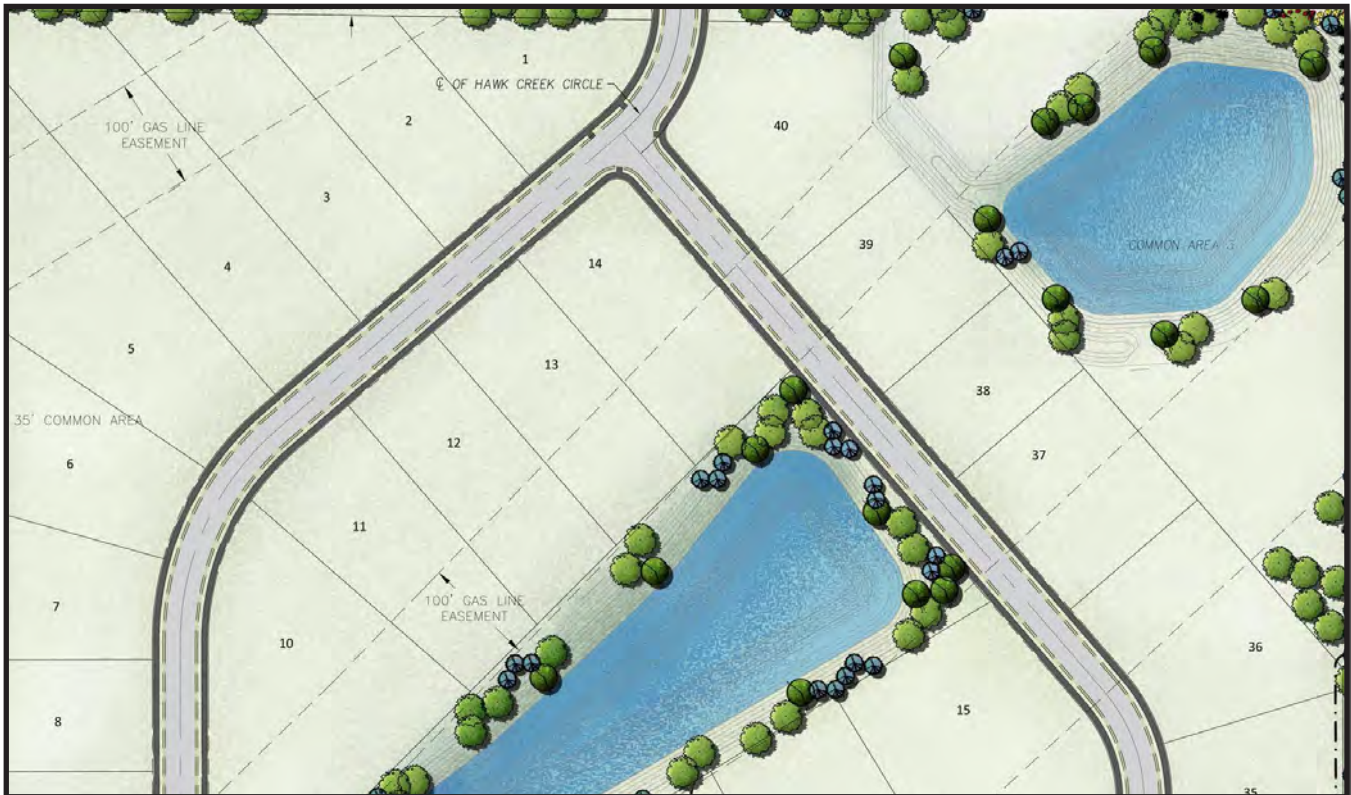
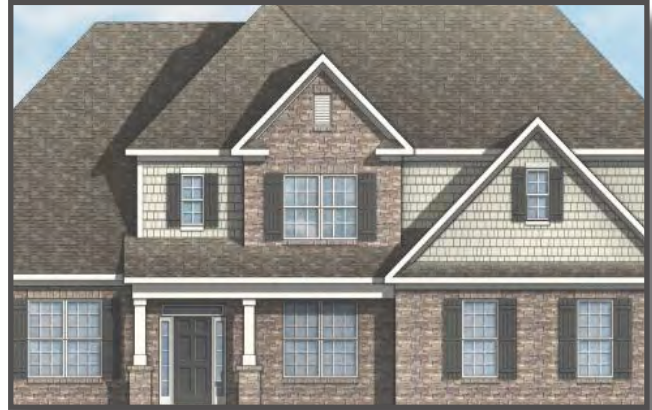


WALNUT RIDGE ESTATES

SOUTHEAST CORNER OF CAREY ROAD AND 169TH STREET



PRESENTED BY
STEVEN D. HARDIN, ESQ.

**FAEGRE BAKER
DANIELS**

REQUEST FOR A MODIFICATION OF COMMITMENTS
WESTFIELD-WASHINGTON TOWNSHIP PLAN COMMISSION
MARCH 4, 2013

Steven D. Hardin
Partner
steven.hardin@FaegreBD.com
Direct +1 317 569 4833

Faegre Baker Daniels LLP
600 East 96th Street ▼ Suite 600
Indianapolis ▼ Indiana 46240-3789
Phone +1 317 569 9600
Fax +1 317 569 4800

February 26, 2013

Westfield - Washington Township Plan Commission
Attn: Matthew Skelton, Esq.
2728 East 171st Street
Westfield, IN 46074

Re: Modification of Commitments regarding Walnut Ridge Estates
Case No. 0608-REZ-06

Dear Members of the Westfield - Washington Township Plan Commission:

Our client, Beazer Homes, is pleased to propose its plans to complete the development of Walnut Ridge Estates by introducing its new landscaping plan and home elevations. Walnut Ridge Estates is a 40-acre site located on the southeast corner of 169th Street and Carey Road that was developed in 2008 into 40 home sites. Since that time, no homes have been built within the development. Beazer's plans include improvements to the perimeter landscaping, installation of the perimeter path, and construction of attractive new homes. Beazer has designed its home plans to meet the previously-approved design standards, and it does not seek to change those standards.

The existing commitments related to this development were modified in 2011 when the previous proposed builder included its specific home plans as part of the commitments. That builder no longer is in business, and thus, in order to move forward with Beazer's plans to complete the development's build-out, Beazer now proposes to include its proposed home elevations as part of the commitments. Beazer also has updated the landscape plan in order to account for certain easements that prohibit plantings.

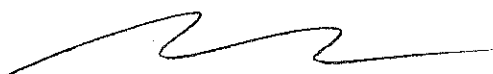
On March 4, 2013, Beazer will appear before the Plan Commission to present its proposed plan for completing this development.

Enclosed for your review are the following materials:

- Tab A: Aerial Photo locating the subject property
- Tab B: Proposed New Conceptual Landscape Plan with an enlargement of the Tree Preservation Area
- Tab C: Proposed New Home Elevations
- Tab D: Proposed Modification of Existing Commitments
- Tab E: Existing Commitments

Thank you for your consideration.

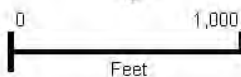
Sincerely,



Steven D. Hardin, Esq.



Walnut Ridge Estates



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County of
Hamilton
Indiana
www.hamiltoncounty.in.gov

LOCATION: H:\2012\W120359\Engineering\design\exhibits\F Preliminary Landscape exhibit.dwg
DATE/TIME: February 25, 2013 - 2:36pm
PLOTED BY: petersong

TABLE OF LANDSCAPING REQUIREMENTS

WHOLE SITE LANDSCAPING REQUIREMENT PER WESTFIELD ZONING		
REQUIRED PER DWELLING UNIT		TOTAL REQUIRED
SHADE TREE:	4	160
FLOWERING OR EVERGREEN TREE:	2	80
SHRUBS:	4	160
LOT LANDSCAPING PER COMMITMENTS (COUNTS TOWARD WHOLE SITE TOTAL)		
REQUIRED LANDSCAPING PER LOT		TOTAL REQUIRED
SHADE TREE PER LOT:	2	80
FLOWERING TREE PER LOT:	1	40
CONIFER TREE PER LOT:	1	40
3-4' TALL SHRUB PER LOT:	8	360
18-24" TALL SHRUB PER LOT:	12	480
ROAD FRONTAGE LANDSCAPING REQUIREMENT PER WESTFIELD ZONING		
1 SHADE TREE/30 LINEAR FEET (COUNTS TOWARD WHOLE SITE TOTAL)		
TOTAL REQUIRED ALONG CAREY RD:	28	
TOTAL REQUIRED ALONG 169TH ST:	28	
TOTAL:	56	
BUFFER YARD LANDSCAPING REQUIREMENT PER WESTFIELD ZONING		
1 EVERGREEN TREE & 5 EVERGREEN SHRUBS/30 LINEAR FEET (DOES NOT COUNT TOWARD WHOLE SITE TOTAL)		
TOTAL TREES ALONG SOUTH BORDER:	38	
TOTAL SHRUBS ALONG SOUTH BORDER:	190	






TOTAL REQUIRED PLANTS

SHADE TREE:	160
FLOWERING TREE:	40
EVERGREEN TREE:	78
TOTAL TREES:	278
EVERGREEN SHRUBS:	190
3-4' TALL SHRUBS:	360
18-24" TALL SHRUBS:	480
TOTAL SHRUBS:	1030

TOTAL PROVIDED PLANTS

SHADE TREE:	215
FLOWERING TREE:	40
EVERGREEN TREE:	122
TOTAL TREES:	377
EVERGREEN SHRUBS:	223
3-4' TALL SHRUBS:	380
18-24" TALL SHRUBS:	480
TOTAL SHRUBS:	1083

LEGEND

-  = EXISTING SHADE TREE
-  = PROPOSED SHADE TREES
-  = EXISTING EVERGREEN TREE
-  = PROPOSED EVERGREEN TREE
-  = PROPOSED SHRUBS

SIZE AT INSTALLATION

-
- 8' HIGH & 2" CALIPER
-
- 6' HIGH
- 18" HIGH

WALNUT RIDGE ESTATES

Date: 02-25-2013

WEIHE
ENGINEERS

10505 N. College Avenue
Indianapolis, Indiana 46280
weihe.net
317 | 846 - 6611

NTS



LOCATION: H:\2012\W120359\Engineering\design\exhibits\F Preliminary Landscape exhibit.dwg
DATE/TIME: February 18, 2013 - 8:17am
PLOTTED BY: petersong

WALNUT RIDGE ESTATES TREE PRESERVATION AREA

Date: 02-18-2013

WEIHE
ENGINEERS

10505 N. College Avenue
Indianapolis, Indiana 46280
weihe.net
317 | 846 - 6611

NTS



LEGEND

- = EXISTING SHADE TREE
- = PROPOSED SHADE TREES
- = EXISTING EVERGREEN TREE
- = PROPOSED EVERGREEN TREE



Stratford ACN



Stratford ACN



Cambridge FCN



Cambridge FCN



Cambridge ITN



Cambridge ITN



Bradbury SHN



Bradbury SHN



Lancaster ERN



Lancaster ERN



Lancaster ITN



Lancaster ITN



O'Hara TRN Elevation





Wakefield TRN Elevation





Wakefield ACM Elevation





Driftwood ERM Elevation





Vanderbilt TRH Elevation



COMMITMENTS MODIFYING EXISTING COMMITMENTS CONCERNING
THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION
WITH A ZONE MAP CHANGE.

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the Owner of the real estate located in the City of Westfield, Hamilton County, Indiana, which is described below, makes the following modifications of commitments concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION: See Attached "Exhibit A – Legal Description"

STATEMENT OF MODIFICATION OF COMMITMENTS:

In 2011, Commitments by Walnut Ridge Estates, LLC, were made to the Westfield City Council regarding the use and development of the real estate described above and recorded in Hamilton County, Indiana, as Instrument No. 2011014610 (the "Existing Commitments"). The Existing Commitments shall be modified as follows:

1. "Exhibit B – Home Elevations" attached hereto shall replace the home elevations identified as Exhibit "C" within the Existing Commitments.
2. "Exhibit C – Conceptual Landscape Plan" attached hereto shall replace the conceptual landscape plan identified as Exhibit "D" within the Existing Commitments.

This MODIFICATION OF COMMITMENTS shall run with the land, be binding on the Owner of the above-referenced real estate, subsequent owners of the above-referenced real estate and other persons acquiring an interest therein. This MODIFICATION OF COMMITMENTS may be modified or terminated by a decision of the Westfield City Council following a public hearing held by the Westfield - Washington Township Plan Commission.

The MODIFICATION OF COMMITMENTS contained in this instrument shall be effective upon the Westfield City Council approval of petition #0608-REZ-06.

This MODIFICATION OF COMMITMENTS may be enforced jointly or severally by:

1. The Westfield - Washington Township Plan Commission;
2. Owners of all parcels of ground adjoining the real estate and all owners of real estate within the area included in the petition who were not petitioners for approval.

The undersigned hereby authorizes the City of Westfield, Indiana, to record this MODIFICATION OF COMMITMENTS in the Office of the Recorder of Hamilton County, Indiana, upon final approval petition #0608-REZ-06 by the Westfield City Council.

IN WITNESS WHEREOF, Owner has executed this instrument this ____ day of

_____, 20____.

RIVEREDGE PROFESSIONAL CENTER, LLC

By: _____

Printed: _____

Title: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, the _____ of Riveredge Professional Center, LLC, an Indiana limited liability company, Owner of the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this ____ day of _____, 20____.

Signature: _____

Printed: _____

County of Residence _____

My Commission expires: _____

This instrument was prepared by Steven D. Hardin, Esq., Faegre Baker Daniels LLP, 600 East 96th Street, Suite 600, Indianapolis, IN 46240.

I affirm under the penalties for perjury, that I have taken reasonable care to redact each and every Social Security number from this document, unless it is required by law. Steven D. Hardin

Exhibit A – Legal Description

Part of the South Half of the Southwest Quarter of Section 5, Township 18 North, Range 4 East, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of said quarter section; thence North 0 degrees 04 minutes 09 seconds East (assumed basis of bearings) 1329.41 feet to the Northwest corner of said half-quarter section; thence South 88 degrees 58 minutes 17 seconds East on and along the North line of said half-quarter section 1331.77 feet; thence South 0 degrees 02 minutes 05 seconds West 1321.80 feet to the South line of said half-quarter section; thence north 89 degrees 17 minutes 58 seconds West on and along said south line, 1332.46 feet to the point of beginning.


Except that portion of the above Real Estate deeded to the Town of Westfield and further described as follows:

A part of the South Half of the Southwest Quarter of Section 5, Township 18 North, Range 4 East, Hamilton County, Indiana, described as follows:

Beginning at the Northwest corner of said half-quarter section; thence South 88 degrees 58 minutes 17 seconds East 41.78 feet along the north line of said half-quarter section; thence South 1 degree 01 minutes 43 seconds West 16.50 feet to the south boundary of 169th Street; thence South 45 degrees 32 minutes 56 seconds West 35.06 feet to the east boundary of Carey Road; thence North 89 degrees 55 minutes 51 seconds West 16.50 feet to the west line of the said half-quarter section; thence North 0 degrees 04 minutes 09 seconds East 41.78 feet along said west line to the point of beginning and containing 0.032 acres, more or less, inclusive of the presently existing right-of-way which contains 0.025 acres, more or less, for a net additional taking of 0.007 acres, more or less.

EXHIBIT B – HOME ELEVATIONS

EXHIBIT C – CONCEPTUAL LANDSCAPE PLAN

2011014610 MISC \$53.00
03/21/2011 09:56:01A 22 PGS
Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented


**COMMITMENTS CONCERNING THE USE
AND DEVELOPMENT OF REAL ESTATE**

Cross Referenced to Instrument No. 200600065832

Walnut Ridge Estates, LLC (the "Owner") makes the following commitments (the "Commitments") to the Westfield City Council (the "Council") regarding the use and development of the following described real estate (the "Real Estate") located in Hamilton County, Indiana:

Section 1. **Description of Real Estate:** See attached Exhibit "A"

Section 2. **Petition:** 0608-REZ-06 (Res. 11-05)

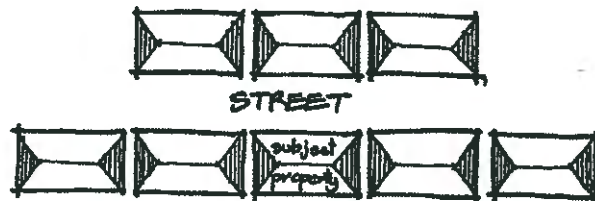
Section 3. **Statement of Commitments:**

These commitments shall run with the land, be binding on the Owner of the Real Estate, subsequent owners of the Real Estate and other persons acquiring an interest therein.

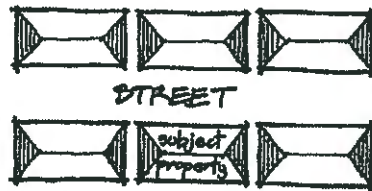
- A. There shall be no more than forty (40) residential lots.
- B. Square footage requirement (exclusive of basements, porches, garages, or patios):
 - a. One-story homes – 2,350 square feet of finished space
 - b. Two-story homes – 2,800 square feet of finished space
 - i. Ground-floor minimum – 1,400 square feet
- C. Driveways:
 - a. Shall be concrete, asphalt, or other solid surface
 - b. Gravel shall be prohibited
- D. Exterior Materials:
 - a. All homes shall have 100% first floor wrap consisting of brick, stone, cultured stone or other masonry materials (collectively "Masonry"), not including doors, windows and other openings.
 - b. In addition to Masonry, other permissible siding materials include cement fiber board and wood. No vinyl or aluminum siding shall be allowed.
 - c. The foregoing requirements may be modified by the neighborhood's architectural committee on a case-by-case basis (e.g., Victorian, Country French, Colonial, Cape Cod or other styles that lend themselves to the use of less brick, stone or stucco material). In all cases without exception there will be a requirement of all sides of the primary structure to have a Masonry water table.
 - d. All external chimney chases shall be brick, stone or EIFS.
- E. Windows:
 - a. All window casings shall be wood, vinyl or a vinyl clad or aluminum clad type material.

- F. Garages:
- a. Minimum – three car garage
 - b. All garages shall be angled or side-load.
- G. Roof Pitch Requirements:
- a. Front to back and front gables or hips 8/12 minimum
 - b. All homes shall have a minimum 12" overhangs.
 - c. The foregoing requirements may be modified by the neighborhood's architectural committee on a case-by-case basis (e.g., Victorian, Country French, Colonial, Cape Cod or other styles that lend themselves to differ from the standard).
- H. Tree Conservation Easement – A ten foot (10') tree conservation easement ("Easement") along the east property line of the Real Estate, at the location identified in Exhibit "B", shall be provided. Within the Easement, no trees with a diameter at breast height ("DBH") in excess of six inches (6") or more in height (the "Protected Trees") shall be removed unless the tree is damaged, diseased, dead, or is required to be removed in order to comply with safety requirements of any governmental agency. If a Protected Tree is damaged or otherwise removed by the developer or builder, except as permitted to be removed as listed above, then the developer or builder (as the case may be) shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth in the Easement. It is acknowledged that certain areas of the woodlands will not be appropriate for the Easement due to the location of drainage and utility infrastructure as will be identified at the time of platting.
- I. Lot Landscaping – for each individual lot, the required plant materials to be installed shall be as follows:
- | | |
|----------------------------|---------------------------------|
| a. 2 Deciduous shade trees | 2-1/2" caliper at breast height |
| b. 1 Flowering tree | 1-1/2" caliper at breast height |
| c. 1 Conifer tree | 8'-10' in height |
| d. 8 Shrubs | 3'-4' in height |
| e. 12 Shrubs | 18"-24" in height |
- J. Rear of homes abutting the Tree Conservation Easement shall be two-story homes and shall contain at least three (3) of the following enhancements:
1. Finished space "pop out"
 2. Bay window
 3. Decorative trim modeling at gutter height
 4. Decorative shaped window
 5. Dormer
 6. Varied building planes
 7. Accent siding
 8. Extended rakes
 9. Chimney chase
 10. Shutters or window trim on all operating windows
 11. Shadow line roof shingles
 12. Wood deck
 13. Screened-in porch or covered porch
 14. Brick wrap

- K. Above-ground pools shall be prohibited.
- L. Mini-barns and storage sheds shall be prohibited.
- M. All residential lots and buffer yards shall not be within, or contain any portion of the Carey Road and 169th Street right-of-way.
- N. All residential lots shall not be within, or contain any portion of a required buffer yard.
- O. All homes constructed on the Real Estate shall be substantially similar to those depicted in Exhibit C.
- P. The front elevation and the color scheme as a combination, selected for the subject home, shall not be the same combination on any other home within a three (3) home "snapshot" on the same side of the street or immediately across the street from the subject home (the center home of the three (3) home "snapshot"). Further, in addition to the foregoing, each home on each side of the subject home or directly across the street from the subject home shall not contain the same front elevation as the subject home. The foregoing restrictions are depicted on the rendering below.



No home within the distance shown in this diagram should have the same elevation and color scheme as a combination.



No home within the distance shown in this diagram should have the same elevation.

- Q. The Developer shall improve the Real Estate with landscaping in substantial compliance with the concept shown on Exhibit D.
- R. The total number of single-story homes in the neighborhood shall not exceed 20% of the total number of homes constructed on the Real Estate.

Section 4. **Binding on Successors and Assigns:**

After the Effective Date, these Commitments are binding upon the Owner, each subsequent owner of the Real Estate, each other person acquiring and interest in the Real Estate, and each user of the Real Estate, unless modified or terminated by the Westfield City Council.

Section 5. **Modifications of Commitments:**

These Commitments may be modified or terminated only by a decision made by the Westfield City Council.

Section 6. **Effective Date:**

The Commitments contained herein shall be effective upon the approval of Res. 11-05 and shall continue in effect unless modification or terminated by the Westfield City Council.

Section 7. **Recording:**

The undersigned hereby authorizes the Westfield Community Development Department Director to record these Commitments in the Office of the Recorder of Hamilton County, Indiana, upon approval of Res. 11-05.

Section 8. **Enforcement:**

These Commitments may be enforced by the City Council of the City of Westfield, Hamilton County, Indiana.

[Remainder of page intentionally left blank]

e Commitments to be executed as of the 10th
John P. Lantry

7-28-12

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the "Owner," has caused these Commitments to be executed as of the 11 day of March, 2011.

John C. Lang

STATE OF ~~INDIANA~~ ^{Texas})
COUNTY OF ~~DAVISON~~ ^{Harris}) SS:

Before me the undersigned, a Notary Public in and for said County and State, personally appeared, who having been duly sworn acknowledged the execution of the forgoing Commitments.

Witness my hand and Notarial Seal this 11 day of March, 2011.

Carolyn Jean Powers

My Commission Expires: July 27, 2014

Notary Public

Printed Carolyn Jean Powers

Residing in Waller County



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Andrew Murray

Prepared by: Andrew Murray, Planner I, City of Westfield, Indiana
2728 East 171st Street, Westfield, Indiana 46074; (317) 804-3170.

[Remainder of page intentionally left blank]

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"

Part of the South Half of the Southwest Quarter of Section 5, Township 18 North, Range 4 East, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of said quarter section; thence North 0 degrees 04 minutes 09 seconds East (assumed basis of bearings) 1329.41 feet to the Northwest corner of said half-quarter section; thence South 88 degrees 58 minutes 17 seconds East on and along the North line of said half-quarter section 1331.77 feet; thence South 0 degrees 02 minutes 05 seconds West 1321.80 feet to the South line of said half-quarter section; thence North 89 degrees 17 minutes 58 seconds West on and along said south line, 1332.46 feet to the point of beginning.

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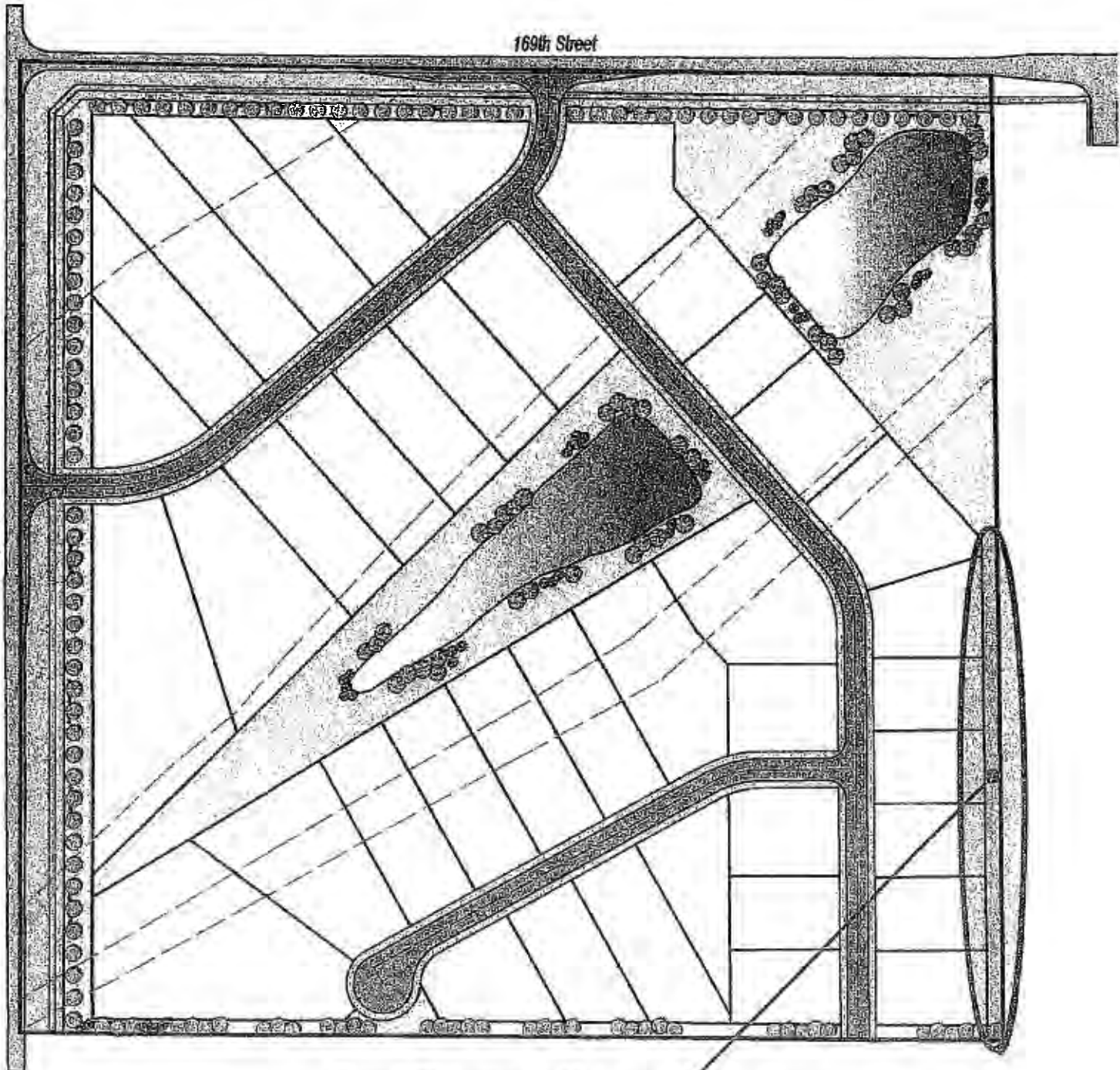
A part of the South Half of the Southwest Quarter of Section 5, Township 18 North, Range 4 East Hamilton County, Indiana described as follows:

Beginning at the Northwest corner of said half-quarter section; thence South 88 degrees 58 minutes 17 seconds East 41.78 feet along the north line of said half-quarter section; thence South 1 degree 01 minute 43 seconds West 16.50 feet to the south boundary of 169th Street; thence South 45 degrees 32 minutes 36 seconds West 35.06 feet to the east boundary of Carey Road; thence North 89 degrees 55 minutes 51 seconds West 16.50 feet to the west line of the said half-quarter section; thence North 0 degrees 04 minutes 09 seconds East 41.78 feet along said west line to the point of beginning and containing 0.032 acres, more or less, inclusive of the presently existing right-of-way which contains 0.025 acres, more or less, for a net additional taking of .007 acres, more or less.

EXHIBIT B
TREE CONSERVATION EXHIBIT

Walnut Ridge Estates

TREE CONSERVATION EXHIBIT



Tree Conservation
Easement Location



EXHIBIT C
HOME ELEVATIONS

Meridian Collection



4720 Home Plan Design



Meridian Collection



C657 Home Plan Design



Meridian Collection



3900 Home Plan Design





Meridian Collection



4000 Home Plan Design



Meridian Collection



4400 Home Plan Design





Meridian Collection



4500 Home Plan Design





Meridian Collection



4600 Home Plan Design



Meridian Collection



760 Home Plan Design





Meridian Collection



4700 Home Plan Design



EXHIBIT D

CONCEPTUAL LANDSCAPE PLAN

New Commitments - Landscape Improvements



Minimum Tree Sizes

Shade trees-3" -3 1/2"

Accent trees-2"-3"

Evergreens-6'-8' tall

WALNUT RIDGE ESTATES

CONCEPTUAL LANDSCAPE PLAN
OCTOBER 27, 2010
1"=100'

Estridge